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EXAMINER

HUNTSINGER, PETER K

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/9/06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 6/20/06 have been fully considered but they are not persuasive.

The applicant argues on page 2 of the response in essence that:

**Altering the size of the image data after the image data transmission method is selected based on size would destroy the operating principle of Misawa et al.**

a. Misawa et al. disclose selecting facsimile or email transmission, according to a size of the image data (col. 8, lines 10-21). Kim discloses adding white pixels to an image to be sent by facsimile. This combination does not destroy the reference of Misawa et al. because the size determining the method of transmission is not the same as the predetermined size the image data is altered to be. For example, a size of 10 mb could be the limit for determining whether a

image is transmitted via email or facsimile, while an image under 1 mb (thus designated for facsimile transmission) is altered to become equal to 1 mb.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-12, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. Patent 6,771,382, and further in view of Kim Patent 6,268,937.

Referring to claims 1, 15, and 16, Misawa et al. disclose an image processing apparatus (composite communication apparatus 10 of Fig. 1, col. 3, lines 19-35) comprising: an inputter arranged to input image data representing an image (image reading unit 15 of Fig. 1, col. 3, lines 19-35); a first producer arranged to produce data for transmission by facsimile based on the image data input by said inputter (facsimile unit 80 of Fig. 1, col. 3, lines 19-35); a second producer arranged to produce data for transmission by electronic mail based on the image data input by said inputter (email transmission unit 17 of Fig. 1, col. 3, lines 19-35); and a controller arranged to control said first and second producers in a manner such that when the data for transmission by electronic mail is produced by said second producer, the data for transmission by electronic mail is produced without the image data input by said inputter being

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processed by a processor (col. 8, lines 10-21). Misawa et al. do not disclose expressly altering the size of the image to a predetermined size if the image is to be sent by facsimile. Kim discloses a processor arranged to process image data input by an inputter in a manner such that the image represented by the image data has a predetermined size; and when the data for transmission by facsimile is produced by a first producer, the data for transmission by facsimile is produced after the image data input by said inputter is processed by said processor to alter the size of the image represented by the input image data to match the predetermined size for transmission by facsimile if the image represented by the input image data is smaller than the predetermined size (col. 3, lines 58-63). Misawa et al. and Kim are combinable because they are from the same field of facsimile communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add white pixels to an image to reach a predetermined size when the image is sent via facsimile. The motivation for doing so would have been compensate for the difference between the original image size and the transmission size. Therefore, it would have been obvious to combine Kim with Misawa et al. to obtain the invention as specified in claims 1, 15, and 16.

Referring to claim 2, Misawa et al. disclose an image processing apparatus according to claim 1, wherein said inputter inputs the image data from a reader which reads the image and generates the image data based on the image (image reading unit 15 of Fig. 1, col. 3, lines 19-35).

Referring to claim 3, Misawa et al. disclose an image processing apparatus according to claim 1, wherein said inputter inputs the image data from a detachable memory (image reading unit 15 of Fig. 1, col. 3, lines 19-35). Misawa et al. disclose that the scanner can be separate from the composite communication apparatus (col. 7, lines 31-52). It is inherent that the scanner has memory for receiving image data. The scanner can be detached from the system because it is a separate device, therefore the image reading unit 15 is a detachable memory.

Referring to claim 4, Kim discloses wherein said processor processes the image data input by an inputter by adding white pixels thereto so as for the image represented by the image data to have a predetermined size if the image represented by the input image data is smaller than the predetermined size (col. 3, lines 58-63).

Referring to claim 6, Misawa et al. disclose an image processing apparatus according to claim 1, wherein said controller restricts operations of said first and second producers according to a predetermined condition (S16 of Fig. 4, col. 5, lines 16-21).

Referring to claims 7, 17, and 18, Misawa et al. disclose an image processing apparatus (composite communication apparatus 10 of Fig. 1, col. 3, lines 19-35) comprising: an inputter arranged to input image data representing an image (image reading unit 15 of Fig. 1, col. 3, lines 19-35); a first producer arranged to produce data for transmission by facsimile based on the image data input by said inputter (facsimile transmission unit 14 of Fig. 1, col. 3, lines 19-35); and a second producer arranged to produce data for transmission by electronic mail based on the image data input by said inputter (email transmission unit 17 of Fig. 1, col. 3, lines 19-35). Misawa et al. do not

disclose expressly altering the size of the image to a predetermined size if the image is to be sent by facsimile. Kim discloses a processor that alters image data input by an inputter; and a controller arranged to control a process to be performed on the image data input by said inputter according to a size of the image represented by the image data input by said inputter, wherein when the size of the image represented by the image data input by said inputter is smaller than a predetermined size and the image data input by said inputter is to be transmitted by facsimile, said controller supplies the image data input by said inputter to a first producer after the processor alters the image data prior to facsimile transmission (col. 3, lines 58-63). Misawa et al. and Kim are combinable because they are from the same field of facsimile communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add white pixels to an image to reach a predetermined size when the image is sent via facsimile. The motivation for doing so would have been compensate for the difference between the original image size and the transmission size. Therefore, it would have been obvious to combine Kim with Misawa et al. to obtain the invention as specified in claims 7, 17, and 18.

Referring to claim 8, Misawa et al. disclose an image processing apparatus according to claim 7, wherein said inputter inputs the image data from a reader which reads the image and generates the image data based on the image (image reading unit 15 of Fig. 1, col. 3, lines 19-35).

Referring to claim 9, Misawa et al. disclose an image processing apparatus according to claim 7, wherein said inputter inputs the image data from a detachable

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memory (image reading unit 15 of Fig. 1, col. 3, lines 19-35). Misawa et al. disclose that the scanner can be separate from the composite communication apparatus (col. 7, lines 31-52). It is inherent that the scanner has memory for receiving image data. The scanner can be detached from the system because it is a separate device, therefore the image reading unit 15 is a detachable memory.

Referring to claim 10, Kim discloses wherein the processor alters the image data such that the size of the image represented by the image data input by said inputter becomes equal to the predetermined size (col. 3, lines 58-63).

Referring to claim 11, Misawa et al. disclose an image processing apparatus according to claim 7, wherein when the image data input by said inputter is to be transmitted by electronic mail, said controller causes said second producer to produce a file corresponding to the size of the image represented by the image data input by said inputter (col. 5, lines 16-21).

Referring to claim 12, Misawa et al. disclose an image processing apparatus according to claim 11, wherein when the image data input by said inputter to be transmitted by electronic mail is set as the file having a predetermined size, said controller causes said second producer to produce the file having the predetermined size irrespective of the size of the image represented by the image data input by said inputter (S62 of Fig. 6, col. 6, lines 34-39).



5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. Patent 6,771,382 and Kim Patent 6,268,937 as applied to claim 1 above, and further in view of Morigami Patent 6,057,934.

Referring to claim 5, Misawa et al. disclose wherein said controller controls said first producer and said second producer. Misawa et al. do not disclose expressly using different gamma values for producing the data. Morigami discloses different gamma values in producing data for facsimile and monitors (col. 9, lines 65-67). Misawa et al. and Morigami are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to produce an image for facsimile transmission with a different gamma value than producing an image for email. The motivation for doing so would have been to utilize typical gamma values in producing the images to obtain accurate images. Therefore, it would have been obvious to combine Morigami with Misawa et al. to obtain the invention as specified in claim 5.

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. Patent 6,771,382 and Kim Patent 6,268,937 as applied to claim 7 and 13, and further in view of well known prior art.

Referring to claim 13, Misawa et al. disclose an image processing apparatus according to claim 7, wherein said controller inhibits supply of the image data input by said inputter to said first and second producers (S61 and S81 of Fig. 6, col. 6, lines 30-32, 54-56). Misawa et al. do not disclose expressly inputting a color image. Official

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Notice is taken that it is well known to a person of ordinary skill in the art to input, fax, and email a color image (See MPEP 144.03). The motivation for doing so would have been to allow transmitting more vibrant images through email and fax.

Referring to claim 14, Misawa et al. disclose an image processing apparatus according to claim 13, wherein the image represented by the image data input by said inputter is a size smaller than a predetermined size, said controller permits supply of the image data input by said inputter to said first and second producers (S61 and S81 of Fig. 6, col. 6, lines 30-32, 54-56). Misawa et al. do not disclose expressly inputting a color image. Official Notice is taken that it is well known to a person of ordinary skill in the art to input, fax, and email a color image (See MPEP 144.03). The motivation for doing so would have been to allow transmitting more vibrant images through email and fax.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH

A handwritten signature in black ink, appearing to be 'PKH' followed by a stylized flourish.A handwritten signature in black ink, appearing to be 'KA Williams'.

**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**